

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LEYTH O. JAMAL,

Plaintiff,

v.

SAKS & COMPANY,

Defendant.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:14-cv-02782

NOTICE OF WITHDRAWAL OF MOTION

Defendant Saks & Company (“Saks”), through its attorneys of record, hereby respectfully gives notice of its withdrawal, without prejudice, of the Motion to Dismiss (the “Motion”) filed on December 29, 2014. Saks is withdrawing the Motion in contemplation of litigating the matter on the merits rather than asserting its legal defenses under Rule 12(b)(6) of the Federal Rules of Civil Procedure at this time.

Saks is confident that, as this matter proceeds, the facts will demonstrate that Plaintiff’s allegations are wholly without merit, that Saks did not discriminate against Plaintiff, and that Saks’ policies and procedures are effective in ensuring an inclusive and diverse workplace free of discrimination and harassment.

Dated: January 26, 2015

Respectfully submitted,

/s/ Michael D. Mitchell

Michael D. Mitchell #00784615
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
500 Dallas, Suite 3000
Houston, Texas 77002-4709
Tel: (713) 655-5756
Fax: (713) 655-0020
**ATTORNEY-IN-CHARGE FOR
DEFENDANT SAKS & COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of January, 2015, a copy of the foregoing pleading was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system to all counsel of record.

/s/ Michael D. Mitchell

Michael D. Mitchell

20130273.1